

S&H Form: (2/01)

Docket No.: 1614.1220

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shigemitsu AOKI, et al.

Serial No. 10/087,849

Group Art Unit: 2832

Confirmation No. 8366

Filed: March 5, 2002

Examiner: Lincoln D. Donovan

For: SWITCH OPERABLE UNDER A PREDETERMINED CONDITION, EXTERNAL
MAGNETIC FIELD GENERATING UNIT, COMBINATION OF SUCH A SWITCH AND
AN EXTERNAL MAGNETIC FIELD GENERATING UNIT AND ELECTRONIC
APPARATUS INCORPORATING THE SAME

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action mailed April 4, 2003, setting forth a fourteen-way election of species requirement and setting a one month period for response which thus expires May 4, 2003. Since May 4, 2003 was a Sunday, this response, filed on the next business day of April 5, 2003, is timely.

Applicants provisionally elect Embodiment 2 (Figs. 5-7B, and 25A-25B) and list claims 1, 1, 2, 8, 10, 11, 13, 16, 20, 21 and 27 as reading thereon. This election is made provisionally and with traverse.

Initially, it is noted that the Examiner's listing of Embodiment 2 further includes Fig. 4; however, Fig. 4 (more precisely, Figs. 4A and 4B) are schematic diagrams of the first embodiment of the invention shown in Figs. 2 and 3 (see specification at page 4).

Furthermore, applicants consider Figs. 22A-24 to constitute a separate Embodiment A, Figs. 25A-25B to constitute a separate Embodiment B, and Figs. 26A-26B to constitute a separate Embodiment C which also includes Fig. 7 (specified as Embodiment 8 by the Examiner's Office Action (see specification at pages 5-6). For purposes of discussion in this Response, Embodiments A, B, and C are retained as separate embodiments in the following table, but are treated herein as being grouped with Embodiments 1, 2, and 3, respectively, as

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set forth in the Office Action. To facilitate the Examiner's understanding of the correlation of the Embodiments and claims, a table is enclosed, in which the vertical columns are labeled by Embodiments 1 through 7, A, B, C, and 9 and the horizontal rows are labeled by the claim numbers, from 1-27.

	1	2	3	4	5	6	7	A	B	C	9
1	X	X									
2/1		X									
3			X	X							
4/3				X							
5					X	X					
6/5					X	X					
7/5					X	X					
8		X					X				
9/8							X				
10	X	X					X				
11/10	X	X					X				
12					X	X					
13	X	X			X	X		X	X	X	X
14									X	X	
15	X										
16	X	X			X	X		X	X	X	X
17									X	X	X
18									X	X	X
19/18									X	X	X
20/18	X	X						X	X	X	X
21/18	X	X						X	X	X	X
22/18											
23/22											
24											
25											
26											
27	X	X	X	X	X	X	X	X	X	X	X

Contrary to the indication in the Action that none of the claims is generic, claim 27 is generic to all of the disclosed embodiments.

Further, claims 1, 10, 11, 13, 16, 20 and 21 are at least subgeneric, encompassing both Embodiments 1 and 2 (as corrected hereinabove) and in light of which it is submitted that Embodiments 1 and 2 should jointly be examined herein. (It is noted that claim 15 reads on Embodiment 1 but not Embodiment 2 and that claims 2 and 8 read on Embodiment 2 but not on embodiment 1.)

In addition to generic claim 27, claims 13, 16, 20, and 21, of the claims above listed as reading on the elected Embodiment 2, furthermore read on Embodiment A of Figs. 22A-24. The Examiner appears to have recognized this relationship in grouping Figs. 22A-24 in Embodiment 1--but which figures, equally logically, should be grouped in Embodiment 2 in light of the common reading of claims 13, 16, 20, 21, and 27 on Embodiments 1 and 2.

Applicants agree with the Examiner's grouping of Figs. 25A-25B in Embodiment 2, and of Figs. 26A-26B in Embodiment 3 but note that claims 13, 16, 20, 21, and 27 of the above listed claims which read on Embodiments 1 and 2 also read commonly on Embodiments B, C and 9 and, furthermore, claim 14 reads commonly on Embodiments B and C and claims 16-21, inclusive, commonly read on Embodiments B, C, and 9.

Accordingly, it is submitted that Fig. 27 of Embodiment C should be included with Figs. 26A and 26B as Embodiment C; in view of the Examiner's grouping of Figs. 26A and 26B in Embodiment 3, it is submitted that Fig. 27 should, as well, be grouped with Figs. 8-10 in Embodiment 3. Moreover, since Embodiment 3 thus includes Embodiment C having close correspondence to Embodiments B and 9, as above-demonstrated, Embodiment 3 should be examined along with Embodiment 2.

Further, claims 13, 16, and 27, which commonly read on Embodiments 1 and 2, likewise commonly read on Embodiments 5 and 6 and, accordingly Embodiment 6 should be examined along with Embodiments 1 and 2.

Likewise, claims 8, 10, 11, and 27 which read on Embodiment 7 commonly read on Embodiments 1 and 2 and accordingly Embodiment 7 should be examined with Embodiments 1 and 2.

Finally, since claims 13, 16, 20, 21, and 27 which read on Embodiment 9 likewise read on Embodiments 1 and 2, Embodiment 9, as well, should be examined with Embodiments 1

and 2; note also that claims 17, 18, and 19 commonly read on Embodiment 9 and Embodiment C which the Examiner has grouped in Embodiment 3. It follows further that Embodiment 9 should be examined along with Embodiments 1, 2, and 3.

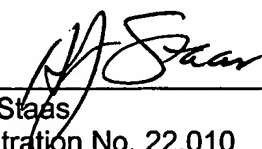
Reconsideration of the restriction requirement accordingly is requested so as to include in the present examination, in addition to Embodiment 1, the above specified figures of respective additional embodiments 1 and 5 to 9.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 5, 2003

By: _____


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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on May 5, 20 03
STAAS & HALSEY
By: [Signature]
Date: 5-5-03